

Personnel Manual



**City of West Memphis
West Memphis, Arkansas**

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Ward 5.....Helen Harris

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A PERSONAL MESSAGE TO YOU

Be proud of your job. It is important and the experience you gain will be priceless. If you are to succeed, you must.....

Cooperate with your supervisor; he or she wants you to succeed.

Be thorough and dependable. If it's worth doing, it's worth doing right.

Refrain from being a 'griper'. You can't build your own character by tearing down others.

Follow the rules. Success requires teamwork.

Exert 'extra' effort and strive to be the best.

Be the master of your present job. This is your best recommendation for a better job.

Be friendly and sincere to all.

Be willing to learn.

Be neat in appearance; be clean and conservative in your dress.

Be loyal to your Supervisor, Department Head, Department, and to the City of West Memphis.

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1.0 ABOUT THIS MANUAL

1.1 PREFACE

The purpose of this manual is to inform you of personal benefits, working conditions, personal conduct and various policies affecting you and your job. To explain all personnel procedures in detail within this manual would create a voluminous text of impractical size. Therefore, these policies are general applications of employment procedure. If any questions arise as to interpretation, or further explanation is necessary, do not hesitate to discuss the problems with your supervisor.

1.2 WHY REGULATIONS ARE NECESSARY

In order to function efficiently where a group of people work together regulations of conduct and ethics are necessary. The City's regulations are based on common sense for the good of the community and its employees. The City expects you to give complete cooperation in adhering to these regulations.

1.3 CHANGE OF REGULATIONS

Regulations and procedures are subject to change at the discretion of the City administration. Any new regulations will be supplied to you. It will be your responsibility to place them in the book as they become effective.

1.4 SEVERABILITY CLAUSE

The provisions of these rules and regulations are declared severable, and if any rules, or section, sentence, clause, phrase or word of the rules shall for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining rules, but they shall remain in effect, it being the legislative intent that these rules shall stand, notwithstanding the invalidity of any part.

1.5 HOW TO USE THIS MANUAL

This manual is designed to outline policies and procedures for employees of the City of West Memphis. If at any time, you do not understand the meaning or intent of a policy, you should check with your supervisor for clarification. The manual is divided into four parts, namely:

- Section 1 About This Manual
- Section 2 Employment Practices
- Section 3 Personal Conduct
- Section 4 Employee Benefits

The table of contents lists these four sections, along with specific items under these sections. A page number as well as a paragraph number is given for quick reference. In addition, an index is placed at the end of the manual. For specific subjects, you should refer to this index. You will be asked to sign a release form to denote receipt of this manual. This form will be filed in your personnel folder in the Personnel Department. Space is provided at the end of the manual for you to write changes or additions to the City's policies, which may occur at a later date.

2.0 EMPLOYMENT PRACTICES

2.1 STATEMENT OF POLICY

The City of West Memphis is an Equal Opportunity Employer. It is the policy of the City to comply with the non-discriminatory provisions of all state and federal regulations including the Equal Employment Opportunity Act of 1972.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on all work sites of the City of West Memphis. Any employee who has a drug or alcohol problem is encouraged to seek assistance from the local hospital's drug and alcohol rehabilitation and treatment program or from the Employee Assistance Program.

2.2 SELECTION OF EMPLOYEES

The Chiefs of the Police and Fire Departments are appointed by the Mayor. Other department heads are either appointed by the Mayor with City Council approval or appointed by their respective commissions.

2.3 DEFINITION OF "EMPLOYEE"

EMPLOYEE—An individual who is compensated by and provides a service to the City regardless of the number of hours of work performed during an given time period or the length of the term of employment. The term "employee" shall not include any elected official, any voluntary, appointed member of any board, commission or authority, or any person performing services for the City on the basis of a service contract, retainer, or prescribed fee.

EXEMPT EMPLOYEE—Employee who not eligible for overtime as defined by the Fair Labor Standards Act.

FULL-TIME EMPLOYEE—Employee who is regularly scheduled to work an average of at least 30 hours per week in a rolling calendar year.

NON-EXEMPT EMPLOYEE—Employee who is eligible for overtime compensation as defined by the Fair Labor Standards Act.

OVERTIME—Hours worked in excess of 40 hours during a regular work week (7 day work period), except for Firefighters. Firefighters will be paid overtime in excess of 106 hours in a 14 day work period.

PART-TIME EMPLOYEE—Employee who is regularly scheduled to work in a position whose daily, weekly, or monthly hours are less than the hours established for full-time employees.

SUPERVISOR—Person who has been designated to oversee other employees in a department.

TEMPORARY EMPLOYEE—an employee hired for an intermittent or specified period of time, for a season, for a job of limited duration or for a non-recurring work project.

WORK WEEK—Seven (7) day period beginning at 7:00 a.m. on Saturday.

2.4 RESIDENCE REQUIREMENT

Repealed

2.5 PHYSICAL EXAMINATIONS

As a condition of your employment with the City, you may be required to have a physical examination. You may be required to have additional physicals during your term of employment. These physicals, when required by your department head, will be paid for by the City.

2.6 WORKING SCHEDULE

Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Employees shall be in attendance at their work stations in accordance with the rules and guidelines established by the Department Heads or Supervisors.

The City reserves the right to adjust and change hours of work, days of work and schedules to fulfill its responsibility to the citizens of the City of West Memphis. In an emergency, previously scheduled hours of work, days of work and work arrangements may be altered at the discretion of the Department Head. Changes in work schedules will be announced as far in advance as practicable.

Whenever possible, full-time employee work schedules shall provide a rest period (break) during each four-hour work shift. Reasonable time off for a meal will be provided.

UNAUTHORIZED WORK TIME

Because of FLSA regulations, non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, or work past the scheduled end of their shift without prior approval of their immediate supervisor.

FLSA non-exempt employees who work unauthorized overtime hours will be subject to disciplinary action.

2.7 SALARIES

The salaries of the employees of the City compare favorably with those of surrounding cities of its size. Your salary range is determined by the position you hold. During the first years of your employment, you are eligible for step increases according to the pay scale approved by the City Council. Further increases in salary are at the discretion of the administration.

2.8 COMPENSATION

2.8.1 REPORTING AND VERIFYING HOURS WORKED

Compensation for employment with the City of West Memphis may be subject to the Fair Labor Standards Act. It is each employee's responsibility to monitor and record an accurate status of the

hours he/she works per payroll period to ensure that he/she is properly paid for time worked.

All employees shall report their hours worked on the forms provided by their supervisor. It is the responsibility of each employee to properly complete a timesheet recording the time that he/she worked during every payroll period and to sign each time sheet. By signing the timesheet, each employee is verifying its accuracy. Signed and completed timesheets must be turned in on a bi-weekly basis to their supervisors for signatures. The supervisors shall forward the same to Human Resources in a timely manner to ensure that proper records are kept as to vacations, sick leave, hours worked and overtime accrued and taken.

2.8.2 PAYROLL RECORDS

Human Resources shall keep and maintain a record of work attendance, vacation and sick leave earned, used and accrued; and any other leave, whether with or without pay. These records shall be available to the department head, and individual employees shall be able to inspect their own records during normal business hours.

2.8.3 PAYROLL PROCEDURES AND PAYDAY

Employees are paid bi-weekly on every other Friday. Pay stubs will be available to Department managers by 11:00 am on payday. When a holiday falls on a regular payday, employees will be paid on the last working day prior to the holiday.

2.8.4 WHAT TO DO IF AN IMPROPER DEDUCTION OCCURS

If you believe that an improper deduction has been made to your salary, you should immediately report this to Human Resources.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

2.8.5 OVERTIME

The City will pay overtime in accordance with the Fair Labor Standards Act at one and one-half times the hourly rate for all hours worked in excess 40 hours per week.

Overtime will be permitted only with prior approval of the supervisor prior to the commencement of such work or when absolutely necessary due to emergency conditions. Failure to obtain prior approval before working overtime will result in disciplinary action, including but not limited to possible termination of employment.

When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity to volunteer for overtime work assignments. If no employees volunteer for the overtime then the supervisor or department manager will designate someone. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees at the rate of one and one-half times the hourly rate for all hours worked over 40 in a workweek. Holiday Time is considered hours worked for overtime calculation purposes. Vacation and Sick Time is not considered hours worked for overtime calculation purposes.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

EMERGENCY CALL-OUT AND STAND-BY POLICY

Employees who are subject to emergency call-out and stand-by must refer to their department guidelines regarding pay.

2.8.6 COMPENSATORY TIME

Compensatory Leave Time (comp time) for overtime hours work is not allowed unless approved by either the General Manager of Utilities for Utility employees or the Mayor for all other city employees. Human Resources must be notified and balances maintained with the payroll records.

Comp Time is accrued at a rate of time and a half for all hours worked in excess of 40 hours per workweek. No employee may accumulate more than forty (40) hours of compensatory time at any given time during the calendar year. Hours in excess of forty (40) shall be paid at the appropriate overtime rate. Upon termination of employment, any unused compensatory time is to be paid at a rate equal to the employee's then-prevailing rate of pay.

Each employee shall be responsible for maintaining accurate records of overtime and compensatory time. However, the overtime and compensatory records of the Supervisor shall be final with respect to the number of compensatory leave days earned of an employee.

Compensatory leave must be taken during the calendar year earned and should be scheduled in the same manner required for vacation days.

2.8.7 NON-EXEMPT AND EXEMPT EMPLOYEES

Non-exempt employees are subject to the Fair Labor Standards Act (FLSA) overtime requirements and therefore are subject to the overtime policies set forth in this Handbook.

Exempt employees are not subject to the Fair Labor Standards Act overtime requirements. Certain employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the Fair Labor Standards Act. Exempt employees shall not be eligible for overtime or comp time for hours worked in excess of the regular workweek.

2.9 PROMOTIONS

It is the policy of the City to fill vacancies by promoting current employees whenever possible. You will be given consideration and preference for positions, which represent a promotion for you.

Vacant positions will be posted by the Personnel Department. If you feel you are qualified for the position, you should contact the Personnel Department for details.

Recommendations for promotion are based on your performance in your present job. Attendance, punctuality, efficiency and conduct will be evaluated. Competitive examinations are required for certain positions.

2.10 RETIREMENTS

You are eligible to retire from the City after twenty (20) years of service. Retirement is mandatory for policemen and firemen upon reaching the age of 71. Employment will cease on the last day of the month of your anniversary date.

2.11 DISCIPLINE

Disciplinary action may include, but is not limited to the following:

- A. Reprimand
- B. Suspension, not to exceed thirty (30) days without pay.
- C. Dismissal

The immediate supervisor or department head will initiate disciplinary action. Employees shall not be suspended without pay or terminated without first being offered a predetermination hearing.

The Utility General Manager has the full authority to reprimand, suspend and dismiss utility department employees. All other department heads have the authority to reprimand and suspend employees of their respective departments with pay or without pay up to two weeks.

Utility employees who have received disciplinary action may request an appeal hearing with the Utility Commission, provided the request is made in writing within ten (10) days of the disciplinary action. All other employees who receive disciplinary action may request an appeal hearing with the Mayor, provided the request is made in writing within ten (10) days of the disciplinary action.

3.0 PERSONAL CONDUCT

3.1 JOB RELATED PROBLEMS

If you have any job related problems you should take the following steps to resolve them:

1. Discuss the problem with your supervisor.
2. If you and your supervisor are unable to resolve the problem, your supervisor will set up a meeting with your department head.
3. If your department head is unable to resolve the problem to your satisfaction, you request the department head to set up a meeting with the Mayor.
4. The Mayor will discuss the matter with you and will have the final authority in the matter.

3.2 ABSENCE WITHOUT NOTICE

Your supervisor or department head must be notified if you are going to be absent. If you fail to notify your supervisor or department head, you will have to get approval before you can return to work. Absence without notice is defined as being over one hour late. Absence without notice will result in loss of pay for the period of absence.

3.3 CITY PROPERTY

The equipment of the City belongs to the citizens of West Memphis. You must take proper care of it. At no time is it to be loaned or abused. The equipment may be used for personal reasons only if approved by the Mayor and City Council.

3.4 PERSONAL OBLIGATIONS

Your personal problems are yours and not the taxpayers of the City. Employees are required to handle their obligations in such a manner that they will not be contacted on the job. Neither is the supervisor or department head to be contacted concerning past due bills owed by the employee or other personal problems of that nature.

3.5 TARDINESS

It is your responsibility to be on time for work. If you are going to be late arriving on the job, you must notify your supervisor or department head immediately. If you know in advance that you are going to be late, you should let your supervisor know so that he may make arrangements to schedule around your absence.

Chronically reporting late may result in suspension, reduction in pay, or loss of your job. Chronically reporting late means being late three (3) times in one (1) month.

Refer to your Departmental Guidelines for further clarification.

3.6 BULLETIN BOARDS

Bulletin boards are placed in each department for your convenience and information. These boards are an official means of communication with you. You should check these boards regularly for notices of interest or items concerning you or your job. You are responsible for any instructions placed on the board.

3.7 CHANGES IN STATUS

The Personnel Department maintains a file on all City employees. This file contains payroll, insurance and other necessary data. It is important that your personal status be kept current. You should notify your supervisor immediately of any changes in address, telephone number, marital status, dependents, etc.

3.8 ACCIDENTS ON THE JOB

You must report all job related accidents to your supervisor. If the accident results in an injury, your supervisor will arrange for any necessary medical treatment.

3.9 UNLAWFUL HARASSMENT

The City of West Memphis expressly prohibits its officials or employees from engaging in any form of unlawful harassment of employees based on race, religion, color, gender, national origin, age, disability or status as a veteran or special disabled veteran.

Harassment is any annoying, persistent act or actions that single out an employee, over that employee's objection to his or her detriment, because of race, sex, religion, national origin, age (over 40) or disability. Harassment may include, but is not limited to the following actions.

1. Verbal abuse or ridicule;
2. Interference with an employee's work;
3. Displaying or distributing sexually offensive, racist, or other derogatory materials;

4. Discrimination against any employee in work assignments or job related training because of one of the above-referenced bases;
5. Intentional physical contact with either gender-specific portions of a person's body or that person's private parts;
6. Making offensive sexual, racial or other derogatory hints or impressions.
7. Demanding favors (sexual or otherwise), explicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.

It is every employee's and official's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place:

- A. An employee should report harassment or suspected harassment immediately to the department head. If the department head is the alleged harasser, then the complaint should be reported to the supervisor in the chain of command. This complaint should be made in writing.
- B. Anytime an employee has knowledge of harassment, he/she shall inform the department head in writing.
- C. Each complaint shall be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

The City of West Memphis will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders.

4.0 BENEFITS

4.1 VACATION

Full Time employees of the City who have completed one year of continuous service are entitled to vacation with pay.

Policemen will be granted vacation according to the following schedule:

1 year but less than 15 years	3 weeks
15 years but less than 20 years	4 weeks
20 years but less than 30 years	5 weeks
30 years and over	6 weeks

Firemen working 24 hours shifts will be given vacation according to the following shift schedule.

Firemen working 8 hours shifts will be given vacation according to the following weekly schedule:

1 year but less than 2 years	4 shifts - 2 weeks
2 years but less than 7 years	6 shifts - 2 weeks
7 years but less than 15 years	9 shifts - 3 weeks
15 years but less than 20 years	12 shifts - 4 weeks
20 years but less than 30 years	15 shifts - 5 weeks
30 years and over	18 shifts - 6 weeks

All other full time employees of the City will be granted vacation according to the following schedule:

1 year but less than 2 years	1 week
2 years but less than 7 years	2 weeks
7 years but less than 15 years	3 weeks
15 years but less than 20 years	4 weeks
20 years but less than 30 years	5 weeks
30 years and over	6 weeks

For the purpose of the above weekly schedules, a week is defined as five (5) working days of eight (8) hours each. Saturdays, Sundays, Holidays and other non-working days which fall within a period of vacation will not be counted as vacation, except in the case of Fire Department and Police Department employees who receive holiday pay and the Saturday, Sunday or holiday was a scheduled work day for that employee.

No payment will be made in lieu of vacation except when an employee is separated from the City by reasons of layoff, dismissal, retirement or resignation. Unused vacation and prorated vacation will be paid to the employee at his regular rate of pay at the time of separation, provided the unused and prorated vacation does not exceed the limit set forth as follows:

Vacation may be accumulated to a maximum of 30 working days for all employees working eight hours and 15 shifts for firemen working 24-hour shifts. Vacation in excess of 30 days or 15 shifts will be lost.

Vacation will be granted by the department head at such time or times as will least interfere with the efficient operation of the department. The minimum charge for absence on account of vacation will be one (1) hour.

Conflicts in request for vacation will be resolved on the basis of seniority, providing written notice is received at least forty-five days prior to the vacation date requested.

Unused vacation of a deceased employee will be paid to his estate or to an individual authorized to receive such payment at his regular rate of pay on his last day worked.

Vacation cannot be accumulated during periods of leave of absences without pay.

Employees who transfer between different departments within the City without a break in service will retain all accumulated vacation credits.

The Mayor may give vacation seniority to a department head, based upon the employee's experience when employed.

4.2 SICK LEAVE

Full time employees who have completed one year of continuous service with the City are eligible to receive sick leave.

- A) Sick leave will be accumulated at a rate of twenty (20) working days per year for any employee hired before 1/6/2008.
- B) Any employee hired on or after 1/6/2008, shall be entitled to sick leave at the rate of twelve (12) working days per year.

Sick leave will be posted to the employee's account on his or her anniversary date.

Any full-time employee who does not use a sick leave working day for a period of four (4) months will receive a bonus equal to eight (8) hours of pay.

Firefighters – shall be subject to the general provisions of the City of West Memphis regarding sick leave except as specifically provided in this section.

Firefighters scheduled to be on duty for twelve (12) hours or more in a twenty-four (24) hour period shall accumulate sick leave at a rate of ten (10) working days per year which shall be posted to the firefighter's account on the firefighter's anniversary date.

For firefighters scheduled to be on duty for twelve (12) hours or more in a twenty-four (24) hour period a "working day" shall mean that period of time a firefighter is on duty within a twenty-four (24) period.

Firefighters scheduled to be on duty for twelve (12) hours or more in a twenty-four (24) hour period may accumulate sick leave to a maximum of sixty (60) working days (1,440 hours).

Payment for unused sick leave in the case of a firefighter scheduled to be on duty for twelve (12) hours or more in a twenty-four (24) hour period, upon retirement or death, shall not exceed 720 hours at the firefighter's regular rate of pay at the time of separation.

No firefighter shall have any previously earned sick leave reduced in value because of this change.

The department head will have jurisdiction as to individual requests for sick leave. The department head's decision will determine whether compensation will be allowed for time missed.

At the discretion of the department head, a doctor's certificate may be required before an employee can return to work. A doctor's certificate is required after three continuous missed workdays.

Sick leave may be granted to the employee for the following reasons:

- Illness preventing normal work.
- Medical treatment or convalescence recommended by an attending physician.
- Medical, dental or optical examinations.
- Exposure to a contagious disease.

Sick leave may be granted to employees due to illness of a member of the immediate family. "Immediate Family" shall mean the father, mother, sister, brother, wife, husband, child, grandmother, grandfather, grandchild, in-laws or any other individual acting as parent or guardian of an employee.

Sick leave will be charged against the employee for only those hours he is scheduled to work.

The minimum length of time chargeable to sick leave will be one (1) hour.

Sick leave will accumulate to a maximum of sixty - (60) days.

Whenever an employee is separated from City service for reasons of retirement or permanent disability, unused sick leave will be paid the employee at his regular rate of pay at the time of separation.

Accumulated sick leave of a deceased employee will be paid to the employee's estate or to an individual authorized to receive such payments. Payment will be computed at the employee's regular rate of pay on his last day worked.

Sick leave may not be used as vacation.

Any person returning to employment with the City of West Memphis after a previous period of employment with the City of West Memphis shall not be credited with any sick leave accrued during any previous period of employment.

4.3 HOLIDAYS

Employees of the City will observe the following holidays:

New Year's Day.....	January 1st
Martin Luther King's Birthday.....	third Monday in January
Good Friday.....	Friday before Easter
Memorial Day.....	last Monday in May
Independence Day.....	July 4th
Labor Day.....	first Monday in September
Veteran's Day.....	November 11th
Thanksgiving Day.....	fourth Thursday in November
Day after Thanksgiving.....	fourth Friday in November
Christmas Eve.....	December 24th
Christmas Day.....	December 25th

If a holiday falls on Saturday, it will be observed on Friday; if it falls on Sunday, it will be observed on Monday.

Consistent with policy for all types of leave, you will not accrue vacation or other benefits while you are on unpaid leave. Additionally, you will not be paid for holidays that occur during the leave. However, the leave period will be treated as continuous service (i.e., no break-in-service) for purposes of vesting and eligibility to participate in the City's retirement plan.

4.4 HOSPITALIZATION PLAN

The employee must complete an enrollment form during his/her new hire orientation with Human Resources. Details of the plan will be covered at that time.

Coverage will begin on the first day of the month following employment.

Employee only coverage is available. Dependent coverage may be requested at the time the enrollment form is completed.

Changes can only be made during each year's benefits open enrollment period, unless employees have a qualifying reason as allowed by law. Contact Human Resources for these types of request.

Coverage may be kept in force during a leave of absence without pay, providing the employee pays, in advance, both the employee and, if applicable, dependent premiums.

Life insurance is included in the basic coverage of the plan. You should make sure your enrollment card has the correct beneficiary at all times.

Health and Dental Coverage may be continued after the end of the employee's term of service to the minimum time period required by law. Whenever an employee is separated from City service for reasons of retirement (20 years of service) or permanent disability, the employee may retain coverage under the

plan indefinitely, provided the employee pays, in advance, both the employee and, if applicable, dependent premiums.

4.5 FUNERAL BENEFITS

The City recognizes that times of bereavement will occur and extends its sympathy at that time. Should a death in your family occur, you should contact your supervisor or department head immediately to arrange for the necessary time off.

The City will grant three (3) days of leave, with continuance of pay, for you to attend the funeral of the following relatives: wife, husband, child, mother, father, sister, brother, grandfather, grandmother, grandchild, in-laws or any other individual acting as parent or guardian. If additional time off is necessary, arrangements must be made with your department head for vacation, sick leave or leave without pay.

Verification of death may be required.

4.6 PERSONAL LEAVE OF ABSENCE WITHOUT PAY

Employees of the City may be granted Personal Leave of Absence without pay if they do not qualify for FMLA or other types of approved leave. Personal leave may be of "short term" or "extended" duration but may not exceed six (6) months.

Short-term personal leave of absence without pay may be granted by the department head and may not exceed seven (7) days. Extended personal leave of absence without pay may be granted by the department head, with the Mayor's or General Manager's approval, for periods exceeding seven (7) days but not exceeding six (6) months.

1. The employee must apply with Human Resources, in writing, at least thirty - (30) days prior to the time the requested leave is to begin.
2. A written agreement will be signed by both the employee and department head setting forth the terms of the agreement. The Mayor must approve this agreement before personal leave of absence without pay may be granted.
3. Failure to report promptly at the time specified in the agreement will be grounds for dismissal.
4. The employee may, with the department head's approval, terminate his personal leave prior to its expiration.
5. An employee may not accumulate vacation, sick leave nor accrue benefits under the City's pension plan during a leave of absence without pay. However, they may keep their coverage under the group hospitalization plan in force by paying in advance to the Human Resources Department, the City and employee portion of the premiums and, if applicable, the dependent premiums.
6. The employee shall, per the terms of the agreement, be reinstated to the same or comparable position without loss of any of his rights unless the position is no longer available because of budget reductions in staff in the department.

4.7 PENSION PLAN

The City has established a pension plan for non-uniformed, full time employees. All non-uniformed, full time employees of the City who have completed one (1) year of continuous service are eligible to participate in the plan.

Participation will commence on the first (1st) day of the month following the completion of one (1) year's continuous service. The employee is not required to contribute to the plan in order to participate.

An Elected Official may make voluntary contributions. The City will not contribute on behalf of an elected official.

The City will contribute six percent (6%) of the employee's regular pay to the plan. The participants may elect to contribute a voluntary amount of not less than two percent (2%) of his/her regular pay to the plan.

Voluntary contributions may be discontinued and/or withdrawn at any time. However, any taxes and penalties will be withheld from withdrawals.

Participants will receive a quarterly statement showing amounts added to or withdrawn from their account. Participants will receive an annual statement showing amounts added to or withdrawn from their account as well as the interest earned and the current value of their account.

Contributions can be invested in various funds including fixed and variable options. Interest at a rate to be announced each year will be credited to each participant's account.

Employees will complete an enrollment form before participating in the plan.

When the participant's employment with the City ceases, benefits of the plan will be determined as follows:

- (1) Retirement: on or after normal retirement date: Full value of the account.
- (2) Death: Full value of the account will be paid to the beneficiary name on the enrollment form.
- (3) Total or permanent disability: Full value of the account.
- (4) Any other reason: Full value of the participant's contribution, if any plus interest, plus the percent (20%) of the City's contribution for each year of continuous service. After the five (5) years of service with the City, the employee receives one hundred percent (100%).

Upon retirement or permanent disability from City service, several options for receiving plan benefits are available. Additional details and an election form are available from the Human Resources Department.

The City expects to continue the plan indefinitely, but reserves the right to change or discontinue the plan at any time. Should it become necessary to change or discontinue the plan, amounts already credited to your account cannot be adversely affected.

4.8 AWARDS

The City realizes that its employees are its greatest asset. An awards program has been designed to recognize extended terms of service by City employees. Longevity pay will be presented to employees who have completed at least five years of full time experience with the City of West Memphis as of November 1st of each year. Each year, each employee will receive five dollars (\$5.00) for each year of service. The adjusted date of hire will be used for those employees when applicable.

Some examples:	For five years of service:	\$25.00
	For six years of service:	\$30.00
	For seven years of service:	\$35.00

4.9 COMMUNITY SERVICE

Each employee has certain obligations to the community. The City recognizes these obligations and has established the following policies:

A. Jury Duty

Should you be summoned and selected, the City will grant leave of _____ absence for the period of service. You will continue to receive your regular pay during the period of service. No loss of benefits will occur during your term of jury duty.

B. Uniformed Services

Certain rights to re-employment after service in the uniformed services, as well as provisions relating to pension and health benefits are established in the Uniformed Services Employment and Re-employment Rights Act of 1994, 38 U.S.C. Section 4301 *et seq.* and in A.C. A. Section 21-4-102. It is the city's policy to honor and comply with the provisions of those statutes.

In addition, employees who are members of a military service organization or National Guard unit shall be entitled to a military leave of fifteen (15) days plus necessary travel time (A.C.A. section 21-4-102).

4.10 MATERNITY BENEFITS

Maternity leave is treated as any other leave of sickness or disability. Sick leave and annual leave will be granted for maternity use after which time leave without pay may be used. Also refer to 4.12 FMLA guidelines.

4.11 WORKERS COMPENSATION

All City employees are covered under the Arkansas State Workers' Compensation laws. Any employee incurring an "on-the-job" injury should immediately notify their supervisor who will arrange for appropriate medical treatment and prepare the necessary reports required for the employee to be compensated. Rules and regulations concerning Workers' Compensation have been posted on bulletin board of Human Resources and can be provide to each department.

Drug and medical expenses incurred from such injuries will be paid within the limits of the law.

The City will continue to pay the employee 100% of their regular rate of pay, for up to seven (7) calendar days following the date of the injury providing a medical certificate is furnished the City that the employee is unable to perform their assigned duties.

In the event the disability extends beyond this seven (7) calendar day period, Worker's Compensation should begin. The City will continue to pay the employee the difference between their Worker's Compensation pay and 90% of their regular salary for a period of up to, but not exceeding, three (3) months, from the date of the accident. If the employee is still unable to return to work, the City will pay the employee the difference between their Worker's Compensation pay and 80% of their regular salary for an additional three (3) months. The employee may not use sick or vacation time to supplement workers compensation pay or for further absenteeism due to this disability. An employee on unpaid leave will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. However, employment benefits which accrued up to the day on which the unpaid leave began will not be lost. The accrued amount will be prorated to the employee when they return to work.

If a worker's compensation absence also qualifies for FMLA, the City's FMLA policy will also apply.

The City reserves the right to temporarily assign the employee to duties, with the same rate of pay, other than those being performed at the time the injury occurred, providing a physician states, that it will not hinder recovery from the injury and the employee is expected to recover sufficiently to perform their regular duties. If the physician states that the employee is not expected to recover sufficiently to perform their regular duties, the employee may be offered another vacant position at the pay scale set by the City Council for the vacant position being offered.

The recovery period after the accident will be at the discretion of the attending physician. However, the City reserves the right to have the employee examined, at any time, by a physician of its choice.

4.12 FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 requires cities with fifty (50) or more employees to offer up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The FMLA also allows an employee who is the spouse, son, daughter, or parent, or nearest blood relative of an injured Armed Services member to take the 12 weeks of unpaid leave plus an additional 14 weeks, for a total of 26 weeks. Eligible city employees may take unpaid leave for the following reasons:

- The birth and care of the employee's child;
- The placement of a child into an employee's family by adoption or by foster-care arrangement and to care for the newly placed child;
- For spouse, son, daughter, or next of kin of an eligible service member to care for an injured service member that is seriously injured or ill in the line of active duty, up to 26 weeks during a "single 12-month period;"
- The care of an immediate family member (spouse, child or parent, but not a parent "in-law") who has a serious health condition;
- The inability of a city employee to work because of a serious health condition which renders the employee unable to perform the essential functions of their job; and
- For any qualifying urgent situation when the employee's spouse, son, daughter, or parent is a covered military member (on active duty or is notified of an impending call to active duty) in support of a contingency operation.

You must conclude leave for the birth of a child or for adoption or foster care within twelve (12) months after the event. However, leave may begin prior to birth or placement, as circumstances dictate.

Leave entitlements for medical reasons are predicated upon the existence of a serious health condition suffered by you or an immediate family member. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility; or
- Continuing treatment by a health care provider for a chronic or long-term health condition that is so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, and for prenatal care.

Generally, a condition will be considered a serious health condition if the condition or its treatment causes an employee to be absent from work on a recurring basis or for more than three calendar days.

The Family Medical Leave Act (FMLA) requires that the City maintain the health coverage of an employee eligible for FMLA under any group plan during the time the employee is on FMLA leave.

4.12.1 FMLA ELIGIBILITY

To be eligible for the FMLA benefits employees must: 1) be employed by the City for at least one year; and 2) have worked 1,250 hours over the previous twelve (12) months preceding the date the leave is requested to begin. An employee returning from fulfilling his or her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed *but for* the period of military service in determining whether the employee worked the 1,250 hours of service.

Employees are required to use accrued sick leave while on FMLA, except while receiving workers compensation. The employee, at the employee's option, may use vacation (annual) leave as part of family medical leave after all sick time is used. Such paid leave (sick and vacation) status shall be included in the total of the 12 weeks FMLA leave.

Human Resources (HR) will provide the necessary forms for requesting FMLA.

4.12.2 CALCULATION OF LEAVE

The City of West Memphis will use the 12-month measured forward method for the calculation of leave.

Employees eligible for FMLA may use up to 12 weeks of leave during a 12-month period measured forward from the date the employee's first FMLA leave begins. Therefore, the 12-month period will begin on the first date FMLA leave is taken.

4.12.3 INTERMITTENT OR REDUCED LEAVE

In circumstances where FMLA leave is sought for your own serious health condition or that of a family member, you may take leave intermittently or be placed on a reduced work schedule, if medically necessary. In addition, when you choose to use FMLA for the birth or adoption of a child, you may also take leave intermittently or be placed on a reduced work schedule. However, this may only be done with prior approval of the Mayor or Utilities General Manager. If you request intermittent or reduced leave status, the City may in its sole discretion temporarily transfer you to another job, with equivalent pay and benefits, if another position would better accommodate the intermittent or reduced schedule. Furthermore, if the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, you should schedule the treatment in a manner that does not unduly disrupt the City's operations.

4.12.4 NOTIFICATION

You must provide your Supervisor and HR with thirty (30) days' written notice of your need to be absent for FMLA purposes when the need is foreseeable or predictable. The City will provide appropriate forms on which to make known your need to be absent. However, if emergency circumstances prevent 30 days' written notification, you must notify your Supervisor and HR as soon as possible.

If you are absent from work for more than three (3) consecutive full work days due to your own serious health condition or a serious health condition affecting your spouse, parent, or child, you must contact your Supervisor and Human Resources to discuss FMLA. Refer to the sick leave section 4.2 regarding an absence of three (3) continuous missed work days.

4.12.5 LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR THE CITY

In the event a husband and wife both work for the City, the maximum combined leave for both spouses is 12 weeks, if FMLA leave is taken for the adoption or birth of a healthy child, or to take care of a sick parent.

If FMLA leave is taken to care for an ill child, spouse, or for the employee's own serious illness, then each spouse is entitled to 12 total weeks of leave.

4.12.6 JOB RESTORATION

Employees granted the maximum period of FMLA leave will be returned to the same position held prior to the leave or one that is equivalent in pay, benefits and other terms and conditions of employment. If the employee does not return to work after the maximum FMLA period, employee will be considered to have voluntarily resigned their employment. In some circumstances employees may request personal leave without pay (refer to section 4.6).

4.12.7 EMPLOYEE BENEFITS

During an employee's FMLA leave of absence, their health care benefits will continue. Both the City and the employee will be required to pay the customary portions of the monthly health premium. The employee's failure to pay their share of the premium may result in loss of coverage. HR will advise the employee of the payment due dates. If the employee's payment is more than 30 days overdue, the health care coverage will be dropped by the City. Prior to dropping an employee from coverage for non-payment, HR will provide the employee with at least 15 days' written notice before the date coverage is to cease.

If the employee clearly informs the City that they do not intend to work at the end of the leave period, the City's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition which would otherwise entitle the employee to FMLA leave or other circumstances beyond the employee's control, the employee is required to reimburse the City the amount which it contributed toward the employee's health coverage during the leave period.

For purposes of this section, an employee who returns to work, from FMLA leave, for at least 30 calendar days is deemed to have returned to work. In addition, an employee who transfers directly from FMLA leave to retirement or who retires within the first 30 days after returning from FMLA leave is deemed to have returned to work.

An employee on unpaid leave will not be allowed to accrue employment benefits, such as vacation pay, sick leave, pension, etc. However, employment benefits which accrued up to the day on which the unpaid leave began will not be lost. The accrued amount will be prorated to the employee when they return to work. The use of FMLA leave (paid or unpaid) will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Employees who fail to return to work on the first working day following the end of their FMLA leave will be deemed to have terminated their employment with the City, unless the employee otherwise notifies HR prior to the end of the FMLA leave and request additional leave, such as personal leave without pay (refer to section 4.6).

4.12.8 RELEASE TO RETURN TO WORK

A medical doctor's release may be required for employees who return to work from a medical leave of absence, which is taken for the employee's own serious health condition. Such release shall be provided to HR prior to returning to work.

4.12.9 DISPUTE RESOLUTION

If a disagreement occurs over the medical opinion provided by your physician, the City may require a second medical opinion, from a qualified health care provider chosen by the City. The City will pay for a second or, if necessary, a third medical opinion. In the event a third opinion is deemed necessary, the City and the employee will jointly select the third qualified health care provider. The third opinion will be considered final.

Additional information and forms may be obtained from HR.

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